

DEFINITION OF INDIAN CHILD

ICWA only applies to American Indian Children who have unique political status as member of a sovereign tribal government.

Section 1903(4) of ICWA defines an "Indian child" as any unmarried person who is under age 18 and (a) is either a member of an Indian tribe. or (b) is eligible for membership in an Indian tube **and is the** biological child of a member of an Indian tribe (25 U.S.C. § 1903[4]) As a sovereign nation, it is the tribe that determines membership. A tribe's determination regarding membership or eligibility for membership *is* final, conclusive, and binding on the courts. Following is a flowchart for the process of determining Indian child status

"Indian tribe" is defined as one of the federally recognized tribes, bands, nations. or other organized groups or communities of Indians recognized by the U.S. government, including Alaska native villages as defined in section 1602(c) of Title 43, (25 U.S.C § 1903[8]) A list of the federally recognized tribes is available from the Secretary of the Interior through the Bureau of Indian Affairs (BIA) as published annually in the Federal Register.

